



# TENDRING DISTRICT COUNCIL

## Planning Services

Council Offices, Thorpe Road, Weeley, Clacton-on-Sea, Essex CO16 9AJ

<b>AGENT:</b>	Mr George Cressall 29 Bittern Close Kelvedon Colchester CO5 9PQ	<b>APPLICANT:</b>	Mr and Mrs J Young White Ladies 205 Thorpe Road Kirby Cross Frinton On Sea Essex CO13 0NH
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### TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 21/00544/FUL      **DATE REGISTERED:** 24th March 2021

Proposed Development and Location of the Land:

**Proposed single storey rear extension and construction of a detached garage/workshop, including the demolition of an existing lean-to structure and garage.**

**White Ladies 205 Thorpe Road Kirby Cross Frinton On Sea**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY GRANT PLANNING PERMISSION FOR THE PROPOSED GARAGE** in accordance with the application form, supporting documents and plans submitted, subject to the following conditions;

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The proposed garage hereby permitted shall be carried out in accordance with the following approved plans:- WL.21.02 Revision B

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 The rear extension, internal alterations and rear rooflight are hereby refused.

One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design. Saved Policy QL11 and emerging Policy SP1 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties.

Policy HG12 of the Tendring District Local Plan (2007) seeks to ensure that extension outside of the development boundary satisfy general design criteria set within the above mentioned policies and amongst other things, development is of a size, scale and height in keeping with the character of the locality, is well related to the original dwelling and

would not represent overdevelopment of the site.

Saved Tendring District Local Plan (2007) Policy EN22 states that a proposal to extend or alter a listed building will only be permitted where, amongst other things, it would not result in damage to or the loss of features of special architectural or historic interest and the special character and appearance of the building would be preserved or enhanced. Emerging policy PPL9 further states that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character appearance and fabric.

The footprint of the proposed rear extension is similar in size to that of the existing dwelling, the extension is not considered to appear subservient to the host dwelling and will have an over-dominating appearance deemed to be unsympathetic and out of character with the host dwelling and surrounding area. The proposed rear extension is considered to have a significant adverse effect on visual amenities and less than substantial harm to the listed building.

The bathroom plumbing and rooflight is likely to result in the loss of, and cutting of historic timbers. The bowing of the roof indicates that there may be some structural issues with the historic timbers. The rooflight would result in harm to the architectural appearance of the rear roofscape through the cumulative impact of windows on this rear elevation. There are limited areas of the rear roof uninterrupted by windows, and the proposed rooflight would reduce this further. The internal alterations and proposed rooflight are therefore not compliant with the aforementioned policies and deemed to result in significant harm to the listed building.

For the reasons set out above, the poor design and scale of the proposed rear extension with its over-dominant nature will result in an unacceptable and unduly prominent form of development to the serious detriment of visual amenity and the listed building. The proposal is therefore contrary to the aims and aspirations of the afore-mentioned policies and guidance.

**DATED:** 22nd September 2021

**SIGNED:**




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Graham Nourse  
Assistant Director  
Planning Service

**IMPORTANT INFORMATION** :-

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above decision:

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

QL11 Environmental Impacts and Compatibility of Uses (part superseded)

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

EN22 Extensions or Alterations to a Listed Building

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

Planning Policy for Traveller Sites

Positive and Proactive Statement - Proposed Garage/Workshop

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Positive and Proactive Statement - Rear Extension, rear rooflight, internal alterations

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Split Decision Informative

THIS IS A SPLIT DECISION - this is a split decision and Condition 3 means that the rear extension is refused.

Restricted Use

The detached garage hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as White Ladies, 205 Thorpe Road Kirby Cross Frinton on Sea Essex, shall not be sold, let or used as an independent residential unit.

Standard Informative 1: The Provisions of the Essex Act 1987, Section 13 (Access for the Fire Brigade) may apply to this Development and will be determined at Building Regulation Stage.

Standard Informative 2: You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control section at Tendring District Council.

Standard Informative 3: If the development includes the construction of a new building on or at the boundary of 2 properties, work to an existing party wall or party structure or involve excavation near to and below the foundation level of neighbouring buildings, you are advised

that the provisions of the Party Wall Act 1996 may apply to this development. An explanatory booklet concerning the implications of this Act is available online or from the District Council.

**The attached notes explain the rights of appeal.**

## NOTES FOR GUIDANCE

### WHEN PLANNING PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

#### APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within the set time frame as outlined below:
  - a. If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Householder Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
  - b. If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
  - c. If you want to appeal against your local planning authority's decision on a development which is not caught by a. and b. above then you must do so within **6 months** of the date of this notice. A **Planning Appeal Form** is required, available online <https://www.gov.uk/planning-inspectorate>
- Appeals must be made using the relevant form (as detailed above) which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. **Please note, only the applicant possesses the right of appeal.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions imposed having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

#### ENFORCEMENT

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.